

Senate File 2118 - Introduced

SENATE FILE 2118

BY ROZENBOOM

A BILL FOR

1 An Act relating to special minor's driver's licenses issued for
2 travel to and from private instruction, and making penalties
3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.194, subsection 1, unnumbered
2 paragraph 1, Code 2016, is amended to read as follows:

3 Upon certification of a special need ~~by the school board,~~
4 ~~superintendent of the applicant's school, or principal, if~~
5 ~~authorized by the superintendent pursuant to paragraph "c",~~
6 the department may issue a class C or M driver's license to
7 a person between the ages of fourteen and eighteen years
8 whose driving privileges have not been suspended, revoked,
9 or barred under [this chapter](#) or [chapter 321J](#) during, and
10 who has not been convicted of a moving traffic violation or
11 involved in a motor vehicle accident for, the six-month period
12 immediately preceding the application for the special minor's
13 license and who has successfully completed an approved driver
14 education course. However, the completion of a course is not
15 required if the applicant demonstrates to the satisfaction
16 of the department that completion of the course would impose
17 a hardship upon the applicant. The department shall adopt
18 rules defining the term "*hardship*" and establish procedures for
19 the demonstration and determination of when completion of the
20 course would impose a hardship upon an applicant.

21 Sec. 2. Section 321.194, subsection 1, paragraph a,
22 subparagraph (1), Code 2016, is amended to read as follows:

23 (1) During the hours of 5:00 a.m. to 10:00 p.m. over
24 the most direct and accessible route between the licensee's
25 residence and schools of enrollment or places of private
26 instruction in accordance with chapter 299A, or the closest
27 school bus stop or public transportation service, and between
28 schools of enrollment or places of private instruction, for
29 the purpose of attending duly scheduled courses of instruction
30 and extracurricular activities within the licensee's school
31 district or related to the licensee's private instruction, as
32 applicable.

33 Sec. 3. Section 321.194, subsection 1, paragraph c, Code
34 2016, is amended to read as follows:

35 c. Each application shall be accompanied by a statement from

1 the school board, superintendent, or principal, if authorized
 2 by the superintendent, of the applicant's school, or if the
 3 applicant attends competent private instruction or independent
 4 private instruction in accordance with chapter 299A, from the
 5 licensed practitioner or primary instructor of the applicant.
 6 The statement shall be upon a form provided by the department.
 7 The school board, superintendent, ~~or~~ principal, if authorized
 8 by the superintendent, licensed practitioner, or primary
 9 instructor shall certify that a need exists for the license and
 10 that the board, superintendent, ~~or~~ principal authorized by the
 11 superintendent, licensed practitioner, or primary instructor is
 12 not responsible for actions of the applicant which pertain to
 13 the use of the driver's license. Upon receipt of a statement
 14 of necessity, the department shall issue the driver's license.
 15 The fact that the applicant resides at a distance less than
 16 one mile from the applicant's school of enrollment or place of
 17 private instruction is prima facie evidence of the nonexistence
 18 of necessity for the issuance of a license. The school board
 19 shall develop and adopt a policy establishing the criteria
 20 that shall be used by a school district administrator to
 21 approve or deny certification that a need exists for a license.
 22 The student may appeal to the school board the decision of
 23 a school district administrator to deny certification. The
 24 decision of the school board is final. The department shall
 25 adopt rules establishing the criteria that shall be used by
 26 licensed practitioners and primary instructors to approve or
 27 deny certification that a need exists for a license. The
 28 decision of the licensed practitioner or primary instructor is
 29 final. The driver's license shall not be issued for purposes
 30 of attending a place of private instruction that is not within
 31 the school district of residence of the parent or guardian
 32 of the student or within a district which is contiguous to
 33 the district of residence of the parent or guardian of the
 34 student. The driver's license shall not be issued for purposes
 35 of attending a public school in a school district other than

1 either of the following:

2 (1) The district of residence of the parent or guardian of
3 the student.

4 (2) A district which is contiguous to the district of
5 residence of the parent or guardian of the student, if the
6 student is enrolled in the public school which is not the
7 school district of residence because of open enrollment under
8 section 282.18 or as a result of an election by the student's
9 district of residence to enter into one or more sharing
10 agreements pursuant to the procedures in [chapter 282](#).

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill provides for the issuance of special minor's
15 driver's licenses to students who attend competent private
16 instruction or independent private instruction pursuant to
17 Code chapter 299A. Upon certification of a special need by
18 a student's licensed practitioner or primary instructor, the
19 department of transportation (DOT) may issue a class C or M
20 driver's license to the student. In addition to the allowances
21 currently provided for by the license, the bill provides
22 that the student may operate the vehicle during the hours of
23 5:00 a.m. to 10:00 p.m. over the most direct and accessible
24 route between the student's residence and places of private
25 instruction, or the closest public transportation service
26 station, and between places of private instruction, for the
27 purpose of attending duly scheduled courses of instruction and
28 extracurricular activities related to the private instruction.

29 The bill requires the DOT to adopt rules establishing
30 the criteria that shall be used by licensed practitioners or
31 primary instructors to approve or deny certification that
32 a need exists for a license. The decision of the licensed
33 practitioner or primary instructor is final. The bill
34 prohibits the driver's license from being issued for purposes
35 of attending a place of private instruction that is not within

1 the school district of residence of the parent or guardian of
2 the student or a district which is contiguous to the district
3 of residence of the parent or guardian of the student.

4 Under Code section 321.191, the fee for the license is
5 \$8. A violation of the license restrictions is punishable by
6 a scheduled fine in the amount of \$50. Under Code section
7 321.482A, if the violation causes a serious injury, a court
8 could impose an additional fine of \$500 or suspend the
9 student's license for not more than 90 days, or both. If the
10 violation causes a death, a court could impose an additional
11 fine of \$1,000 or suspend the student's license for not more
12 than 180 days, or both.